

REMARKS

I. Status of the Application

Claims 1-55 are pending in this application. The Examiner has withdrawn claims 29-55 from consideration. In the August 5, 2008 final office action, the Examiner:

A. Rejected claim 15 as failing to comply with the written description requirement; and

B. Rejected claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by US 7,337,191 to Haeberle et al. (hereinafter “Haeberle”).

II. Response to Office Action

A. Section 112 Rejection. The Examiner cited the specification at page 15 in the reasons supporting the section 112 ground of rejection. Specifically, the Examiner alleged that the specification did not contain a reference to common database access methods being present in computer statements. *Office Action*, page 2, lines 16-21. Applicants respectfully disagree and direct the Examiner’s attention to pages 20-23 of the specification. The specification discloses that the system design converter 58 generates computer statements for implementing the control logic of an application definition. *Specification*, page 20, last line to page 21, first line. Interfaces 60 and 62 are also described as common interfaces that convert statements generated by converter 58 that are in a common tool interface format or a common external program interface format. *Specification*, page 21, lines 10-12. Examples of data tools for which conversion takes place through interface 60 include data base management systems. *Specification*, page 21, lines 17-18. The implication of this description is that the interface 60 converts common data tools, such as common data base access

methods, in computer statements received from converter 58 to specific data base queries. Moreover, an example of this conversion is given in the specification. The databases comprising database 18 are described as each having a database management system, each of which communicates with data provider 20. Data provider 20 is taught as being part of interface 60. *Specification*, page 22, lines 22-24. Data provider 20 receives database instructions that conform to a common database access method instruction format and converts these instructions into database queries for a particular database API. Data from the responses from the database API are extracted and returned in the common database access method instruction format. *Specification*, page 23, lines 3-13. Thus, Applicants submit the specification does satisfy the written requirement for the limitation of converting database instructions that conform to a common database access method in computer statements converted from application definition data. Accordingly, Applicants request withdrawal of the section 112 written description ground of rejection.

B. Section 102(e) Ground of Rejection. The Examiner cited Haeberle for the first time in the Final Office Action. The Examiner has mistakenly given Haeberle an effective date of July 27, 2002. Applicants contend that the provisional application filed on January 22, 2003, is the earliest effective filing date for the disclosure that corresponds to Applicant's claims. Because the present application claims priority to this provisional application, the Haeberle reference cannot predate the pending application and, therefore, the ground of rejection should be withdrawn.

The provisional application filed on July 27, 2002 having serial number 60/398,956, is directed to a customer web portal (CWP). Section 6 of that publicly available application

defines the functional requirements for the CWP. None of those functional requirements meets the limitations of a data provider interface or an application infrastructure as set forth in claim 1. Likewise, these functional requirements do not disclose the conversion of application definition data into computer statements that implement control logic of the application definition data as set forth in claim 15. Similarly, the special applications (section 6.4) and the additional functions (section 7) do not teach these independent claim limitations. Instead, the information supporting these limitations is set forth in the provisional application having serial number 60/441,838. The present application also claims priority to this provisional application. Consequently, the effective filing date of the Haeberle reference with respect to the system set forth in the present application is January 22, 2003. The provisional application that establishes this effective date for the Haeberle reference is also in the claim of priority for the present application. Therefore, the Haeberle reference cannot operate as a section 102(e) reference with regard to the present application and Applicant respectfully requests the withdrawal of the section 102(e) ground of rejection.

III. Conclusion

For all of the foregoing reasons, Applicant respectfully submits that the specification supports claim 15 in compliance with the requirements of section 112 and that the Hauberle reference cannot operate as a section 102(e) reference with respect to the pending application. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

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